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REMARKS

Status of Claims

Claims 1, 3-16, 19-28, 30-41, and 44-54 are pending in this application. Claims 1, 28, 51-54 are independent claims. Claims 3-16, and 19-27 depend from claim 1, and claims 30-41, and 44-50 depend from claim 28.

Examiner Interview

An Examiner Interview was held on 8/19/2003 between Examiner Dean T. Nguyen and Applicants' representative Michael A. Rahman at Mr. Nguyen's office. Applicants' representative thanks Examiner Dean Nguyen for the courtesies extended during the interview.

During the Examiner Interview, Examiner Nguyen agreed that U.S. Patent Application No. 09/816,210 to Costin, IV et al. ("Costin") does not teach the following features recited in the independent claims 1, 28, 50-54:

*displaying one or more web pages with virtual plaque honoring the donor; and
updating the virtual plaques on the web pages to recognize new donors.*

Furthermore, Examiner Nguyen agreed that Costin does not teach the following features recited in the dependent claims 6-11, 30, and 33-36:

*joining a team, on the website, to participate in the fundraising campaign;
forming a new team, on the website, to participate in the fundraising campaign;
and
recruiting new team members by email messages.*

This is summarized in the Interview Summary attached herewith.

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Claim Rejections Under 35 USC 103

The Examiner rejected claims 1, 3-16, 19-27, 28, 30-41, 44-50, 51-54 under 35 USC 103 as being unpatentable over Costin in view of U.S. Patent Application No. 09/852,264 to Muret et al ("Muret") and an article by Smith et al ("Smith").

As noted before, the Examiner acknowledged in the Interview Summary that Costin does not teach the following features recited in claim 1:

*displaying one or more web pages with virtual plaque honoring the donor; and
updating the virtual plaques on the web pages to recognize new donors.*

Regarding Muret, the Examiner stated in the Office Action:

Muret teaches the critical factor of real time reporting in a fast paced economy whereby managers need to make rapid decisions and have immediate access to data as it occurs so that they can monitor activity, marketing strategies and campaign effectiveness and react to problems quicker. Muret disclose one or more web pages tracking related reports or lists such as Top-ten entrances, Top Visits, Depth and Length Visits, Exits, etc. (see [0211, 0216, 0265, 0279, 0280, FIGS. 30, 35]).

Applicants respectfully submit that Muret's teachings are different and unrelated to the features recited in claim 1 of the present application. Claim 1 is directed to a method for conducting a fundraising campaign by an organization or person over a wide-area network. Muret does not disclose, teach or suggest a method for conducting a fundraising campaign. Rather, Muret discloses a system and method for monitoring and analyzing Internet traffic by reading log files produced by web servers.

As stated in paragraph [0007] of Muret, Muret discloses a system and method for monitoring and analyzing Internet traffic. Muret processes data by reading log files produced by web servers, or by interfacing with the web server in real time, processing the data as it occurs [0008]. Muret produces reports showing activities on the web server, which can be used by administrators and managers to monitor website effectiveness and performance [0010].

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Contrary to the teachings of Muret, the features of claim 1 (i.e., *displaying one or more web pages with virtual plaque honoring the donor; and updating the virtual plaques on the web pages to recognize new donors*) have no relevancy to managers monitoring and analyzing Internet traffic. Also, contrary to Muret, claim 1 has no relevancy and is unrelated to processing data by reading log files produced by web servers, or by interfacing with the web server in real time, processing the data as it occurs. Rather, claim 1 recites virtual plaques that honor and acknowledge donors who have made a charitable donation to a nonprofit organization. Also, the virtual plaques motivate potential donors to make a charitable contribution.

Regarding Smith, the Examiner stated in the Office Action:

In a similar method of direct marketing appeals on charitable effectiveness, Smith et al cite several relevant charitable appeals or factor or strategies, i.e., an increase in size of donation for this year by 1) exposure to a list of other donors increased the response rate but not the average gift, 2) size of others' donations was included in the list, the average donation increased.

Applicants respectfully submit that the factors recited in Smith are substantially different from the features recited in claim 1. Smith discloses guidelines for charitable marketing managers regarding the effect of charitable direct marketing appeals on donor decision judgments (Abstract, page 1, Smith). Smith focuses on **Direct Mail** method of solicitation (line 1, paragraph 3, page 1, Smith). Smith notes "*there is a need for conceptual and empirical guidance from marketing researchers on charitable direct marketing.*" (line 1, paragraph 4, page 1, Smith).

There are key differences between Smith and the features of claim 1. First, as stated earlier, Smith is directed to a Direct Mail method of solicitation, while claim 1 is directed to a method for fundraising over a wide area network, e.g., the Internet.

Next, the virtual plaques recited in claim 1 honor and acknowledge donors. The virtual plaques are an efficient method of publicly honoring and acknowledging donors over the Internet. Smith does not teach nor suggest honoring or acknowledging donors with virtual plaques. In the direct mail environment of Smith, it is not possible to have virtual plaques.

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Next, claim 1 recites *"updating the virtual plaques on the web pages to recognize new donors."* Thus, the virtual plaques are automatically updated to honor new donors as new donations are received. This feature is not disclosed or suggested by Smith. In fact, in the direct mail environment of Smith, it is simply impossible to automatically update virtual plaques to honor new donors.

As discussed in MPEP Section 706.02(j), to establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings. Finally, the prior art references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As the Examiner acknowledged in the Interview Summary, Costin does not teach or suggest the relevant features of claim 1 (i.e., displaying one or more web pages with virtual plaque honoring the donor; and updating the virtual plaques on the web pages to recognize new donors). Also, as discussed above, Muret is directed to monitoring and analyzing Internet traffic by reading log files produced by web servers, and is unrelated to fundraising on the Internet. Furthermore, Costin and Muret are each directed to completely different subject matters. Thus, there are no motivation or suggestion in the references to combine the teachings.

Smith, on the other hand, is directed to Direct Mail solicitation, which does not suggest nor imply Internet-based fundraising, and more importantly Smith does not suggest nor imply virtual plaques to honor donors and automatically update virtual plaques in real time to recognize new donors. Moreover, Muret and Smith are completely unrelated to each other and each is directed to a completely different subject matter. Thus, there are no motivation or suggestion in the references to combine the teachings.

Furthermore, Applicants submit that the combination of Costin, Muret and Smith does not teach or suggest the relevant features of claim 1: *displaying one or more web pages with virtual plaque honoring the donor; and updating the virtual plaques on the web pages to recognize new donors.*

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For the foregoing reasons, Applicants submit that claim 1 is not obvious over the combination of Costin, Muret and Smith. Accordingly, Applicants request that the Examiner withdraw the rejections under 35 USC 103 and pass claim 1 to allowance.

The independent claims 28, and 51-54 include the same features as those recited in claim 1. Applicants believe claims 28, 51-54 are allowable over the combined references for the same reasons stated below.

The dependent claims depend from the independent claims 1 and 28. These dependent claims include all features of the independent claims from which they depend. Accordingly, Applicants submit that the dependent claims are allowable over the combined references for at least the same reasons stated above.

Rejection of claims 6-11, 30, 33-36 under 35 USC 103

Although Applicants believe that all dependent claims are now allowable for the reasons stated above, Applicants would like to respectfully comment on the Examiner's rejections of claims 6-11, 30, 33-36, which recite the following features:

joining a team, on the website, to participate in the fundraising campaign;

forming a new team, on the website, to participate in the fundraising campaign;

and

recruiting new team members by email messages.

The Examiner rejected claims 6-11, 30, 33-36 under 35 USC 103(a) as being unpatentable over Costin, Muret, Smith, and further in view of Article 11/1990 or Article 3/1999. As discussed before, Muret is directed to a method and system for analyzing and monitoring Internet traffic, and is completely unrelated to the features of claim 1. Muret does not disclose, teach or even suggest the following: joining a team, on the website, to participate in the fundraising campaign; forming a new team, on the website, to participate in the fundraising campaign; recruiting new team members by email messages. Likewise, Smith does not suggest these features.

Furthermore, Applicants submit that neither Article 11/90 nor Article 3/99 teaches the features of claims 6-11. As discussed below, neither article teaches joining a team,

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forming a new team or recruiting new team members for the purpose of participating in a fundraising campaign, that is, soliciting donations.

Applicants submit that Article 11/90, entitled "The 1990 Buick Open has raised \$240,000 for Flint-area charities" also does not teach the features of claims 6-11. Article 11/90 is a news report of a charity golf tournament where participants merely played golf for the benefit of a charity. It is evident from the article, that the participants in the 1990 Buick Open did not join a team on the website for the purpose of soliciting donations and they did not solicit donations on the Internet. Also, the participants did not recruit new team members on the web site for the purpose of soliciting donations. It is important to note that the key differences between the features of claims 6-11 and Article 11/90. Claims 6-11 recite the steps of joining a team, forming a new team, and recruiting new team members **are for the purpose of participating in a fundraising campaign, that is, soliciting donations** on the Internet. In contrast, the participants in the 1990 Buick Open did not solicit on the Internet, did not recruit other participants for the purpose of soliciting additional donations.

Applicants submit that Article 3/1999 entitled " Win a weekend in Paris by testing your industry knowledge in our Construction Fantasy League and contribute to Mcmillan Cancer Relief" also does not teach the features of claims 6-11. Article 3/1999 states: "Our easy to enter competition invites you to choose your dream team of Contractors, QS, Engineer and Architect, for the list below based on who you think stands the best chance of growth through new business during 1999." According to Article 3/1999, entrants pick teams comprised of engineers and architects that they "believe will accumulate the most points by winning new business." It is evident from the article that the entrants and the team members did not join a team on the website for the **purpose of participating in a fundraising campaign, that is, soliciting donations**, nor did they solicit donations on the Internet. Also, the entrants and the team members did not recruit new team members on the web site for the purpose of soliciting donations.

For the foregoing reasons, Applicants submit that claims 6-11 are not obvious in the view of these articles. Accordingly, Applicants request that the Examiner withdraw the rejections and pass these claims to allowance. Claims 30, 33-36 recite the same

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features and limitations of claim 6-11. Applicants believe that claims 30, 33-36 are allowable for the same reasons stated above.

Affidavit Under 37 CFR 1.131

The Examiner objected to the affidavit submitted under 37 CFR 1.131. A new affidavit is submitted herewith signed by all named inventors of the present application. The affidavit states, under penalty of perjury, that the subject matter recited in the independent claims was invented by Ms. Julie Schwartz and Mr. James Schwartz. The remaining inventors contributed to the features recited in the dependent claims.

The Affidavit states that the invention recited in the independent claims was first conceived in October 1999. A first product embodying the invention was built in October 2000. Since, the invention claimed in the subject patent application was conceived prior to Costin's priority date of March 2000 based on its earliest filing date, Applicants submit that Costin is not a reference under 35 USC 102(a).

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Applicants believe that the Application is now in condition for allowance. Accordingly, Applicants respectfully request that the Examiner pass the Application to allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining matters.

Respectfully submitted,


Michael A. Rahman

Attorney for Applicants

Reg. No. 43,872

KINTERA, INC.
9605 Scranton Road
San Diego CA 92121
858-795-3011